

REMARKS

Status of the Claims:

Claims 1-3, 5, 12, 13, 20-22, 24, and 25 have been amended. Claims 26 and 27 have been added. Claims 2 and 21 have been cancelled. After amending the claims as set forth above, claims 1-25 are now pending in this application.

Claim Rejection – 35 U.S.C. § 103 – Gorbatov and Logan

Claims 1-6, 8-9, and 20-25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov et al (US 6,792,617) (Gorbatov) and Logan et al (US 2003/0093790) (Logan). These rejections are respectfully traversed in view of the claims as amended herein.

Independent claim 1, as amended recites a programmable video receiver device comprising a computer readable medium storing programming code for controlling the device to perform processing comprising: storing program metadata that includes timing and descriptive data for video programs and segment metadata that includes timing and descriptive data for individual segments of video programs; receiving a command to display a program banner; and in response to the command, producing a program banner that is customized to a currently displayed segment of a currently displayed video program, the program banner comprising a first portion, a second portion, and segment fields, the first portion for displaying at least one of descriptive information and timing information from the segment metadata for the currently displayed segment, the second portion for displaying at least one of descriptive information and timing information from the program metadata for the currently displayed video program, the segment fields representing individual segments of the currently displayed video program in accordance with the segment metadata, the second portion of the program banner being separate and distinct from the segment fields. Similar features are found in independent claims 20, 24, and 25.

Claim 1 is neither taught, suggested, nor rendered predictable by the Gorbatov and Logan references, alone or in the combination suggested by the Examiner. According to the Examiner,

the Gorbatov reference discloses a video receiver device with a storage medium storing program metadata and segment metadata for individual segments of the program. *See* p. 2 ll. 18-25 of Office Action dated May 05, 2008 (*Office Action*) (citing col. 6 l. 25 to col. 8 l. 26 of the Gorbatov reference). As acknowledged by the Examiner, the Gorbatov reference does not disclose receiving a command to display a program banner; and in response to the command, producing a program banner that is customized to a currently displayed segment of a currently displayed video program, the program banner comprising at least one of descriptive information and timing information from the segment metadata for the currently displayed segment. *See* p. 3 ll. 8-15 of *Office Action*. As a result, the Examiner cites the Logan reference, which as the Examiner argues, displays a segment guide (310) having individualized segments.

However, amended claim 1 recites, among other features, the program banner comprising a first portion, a second portion, and segment fields, the first portion for displaying at least one of descriptive information and timing information from the segment metadata for the currently displayed segment, the second portion for displaying at least one of descriptive information and timing information from the program metadata for the currently displayed video program, the segment fields representing individual segments of the currently displayed video program in accordance with the segment metadata, the second portion of the program banner being separate and distinct from the segment fields. Neither the Gorbatov reference nor the Logan reference discloses or suggests these features. As shown, for example in, but not limited to, Figs. 13a-15b, 17a-18 and the accompanying text of the pending application, the program banner (100) may include a first portion or segment window (104), a second portion or program window (102), and segment fields (106). The segment window (104) may display at least one of descriptive information (e.g., Fig. 13a and 14a: “IBM, Dell, Cisco, analyst comments”) and timing information (e.g., Fig. 14a: “8:22”, “Earnings Reports: IBM, Dell, Cisco, analyst comments”). The program window (102) may display at least one of descriptive information and timing information (e.g., Fig. 14a: “Business Day: Today’s business news and information”; “Mon. 9/22 8:00 pm – 9:00 pm”). Meanwhile, the segment fields (106) may display, for example various segment titles (e.g., Figs. 13a and 14a “Interest Rates,” “Earnings Reports,” and “CEO

Interview”). Moreover, as illustrated in these figures and other figures, the program window (102) (or second portion of the program banner) may be separate and distinct from the segment fields (106). This would be desirable, and thus advantageous, because a more detailed description may be provided to describe the currently displayed video program in an area separate from the segment fields, where it may be easier for a viewer to read the segments available in the segment fields if a smaller description is used, for example in (but not limited to) one or two words. In addition, a portion of the program banner may provide a more detailed description of the segment fields (e.g., the segment window (104)).

According to the Examiner, the Logan reference discloses a segment index (410 together with 412 in Fig. 4, and 510 together with 520 in Fig. 5) for displaying at least one of information. For example, in Fig. 5 of the Logan reference, a short synopsis of the current segment (e.g., “Ernie annoys Bert with his singing of ‘Rubber Ducky’” as displayed in 510 of Fig. 5) and a time bar (328) are displayed. *See* paragraphs [0319] and [0328] of the Logan reference. However, in contrast to amended claim 1, the segment index (310) or any other portion of the user interface as disclosed in the Logan reference does not also include a (second) portion for displaying at least one of descriptive information and timing information from the program metadata for the currently displayed video program, for example, a description of the currently viewed program (as opposed to a segment thereof). At most, the Logan reference suggests that the segment index “provides an easily understood guide to the content of the program currently being viewed.” *See* paragraph [0314] of the Logan reference. However, the segments or “slugs” used to understand the content of the currently viewed program are part of the segment index. Thus, the slugs are not separate and distinct from the segment fields. As such, the Logan reference does not disclose that the second portion of the program banner (for displaying at least one of descriptive information and timing information from the program metadata for the currently displayed video program) being separate and distinct from the segment fields.

In addition, the slugs are not as useful of a way for a viewer to understand – and thus be provided with descriptive information concerning – the currently displayed video program, as

compared to a separate and distinct portion with descriptive information. For example in Figs. 3-5 of the Logan reference, unless a viewer understands that “Sesame Street” is a program for children, the viewer could not necessarily determine from reading several slugs, such as “Hooper’s Party,” “Ernie Sings,” “Carly Simon,” and “Number ‘9’” what the show is about. The viewer would need to be presented a separate window or portion of the program banner to describe “Sesame Street” with program metadata (e.g., “Children’s programming covering reading, sing-alongs, the alphabet, and numbers” or “Today, Ernie teaches kids the ‘ABC song’ and the Number 9”) separate and distinct from an index of contents. Accordingly, the slugs of the Logan reference do not display descriptive information from the program metadata for the currently displayed program (in a second portion of the program banner separate and distinct from the segment fields). Therefore, for the reasons above, the Logan reference does not anticipate or render predictable amended claim 1.

Nor does the Gorbатов reference address this distinction between amended claim 1 and the Logan reference because the Gorbатов reference is directed to storing program metadata and segment metadata for individual segments of the program. To establish a prima facie obviousness of a claim invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Because neither the Logan reference nor the Gorbатов reference disclose or suggest the recited feature, there can be no prima facie obviousness by seeking to combine these references.

Therefore, for at least the reasons above, the Gorbатов and Logan references do not anticipate, suggest, or render predictable independent claims 1, 20, 24, and 25 and, accordingly, are believed to be allowable. Claims 2-5, 8, and 9 depend from claim 1 (directly or indirectly) and are believed to be allowable for at least the same reasons as claim 1 is believed to be allowable. Claims 21-23 depend from claim 20 (directly or indirectly) and are believed to be allowable for at least the same reasons as claim 20 is believed to be allowable. The rejections of claims 1-6, 8-9, and 20-25, as amended herein, are respectfully traversed.

Claim Rejection – 35 U.S.C. § 103 – Gorbatov, Logan, and Reynolds

Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov, Logan, and Reynolds et al. (US 2006/0010469) (Reynolds). This rejection is respectfully traversed in view of the claims as amended herein.

Claim 7 is believed to be allowable at least for the reasons discussed with respect to independent claim 1. Specifically, as discussed above, neither the Gorbatov reference nor the Logan reference discloses producing a program banner that is customized to a currently displayed segment of a currently displayed video program, the program banner comprising a first portion, a second portion, and segment fields, the first portion for displaying at least one of descriptive information and timing information from the segment metadata for the currently displayed segment, the second portion for displaying at least one of descriptive information and timing information from the program metadata for the currently displayed video program, the segment fields representing individual segments of the currently displayed video program in accordance with the segment metadata, the second portion of the program banner being separate and distinct from the segment fields.

According to the Examiner, the Reynolds reference is merely directed to scheduling a reminder for a selected segment; the Reynolds reference, however, makes no reference to a program banner having various portions displaying different information. To establish a *prima facie* obviousness of a claim invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Because neither the Gorbatov reference, the Logan reference, nor the Reynolds reference disclose or suggest the recited feature, there can be no *prima facie* obviousness by seeking to combine these references. Thus, claim 7 is believed to be allowable. Accordingly, the rejection of claim 7, as amended herein, is respectfully traversed.

Claim Rejection – 35 U.S.C. § 103 – Gorbatov, Logan, and Alexander

Claim 10 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov, Logan, and Alexander et al. (US 6,177,931) (Alexander) This rejection is respectfully traversed in view of the claims as amended herein.

Claim 10 is believed to be allowable at least for the reasons discussed with respect to independent claim 1. Specifically, as discussed above, neither the Gorbatov reference nor the Logan reference discloses producing a program banner that is customized to a currently displayed segment of a currently displayed video program, the program banner comprising a first portion, a second portion, and segment fields, the first portion for displaying at least one of descriptive information and timing information from the segment metadata for the currently displayed segment, the second portion for displaying at least one of descriptive information and timing information from the program metadata for the currently displayed video program, the segment fields representing individual segments of the currently displayed video program in accordance with the segment metadata, the second portion of the program banner being separate and distinct from the segment fields.

According to the Examiner, the Alexander reference is merely directed to updating viewer characteristics; the Alexander reference, however, makes no reference to a program banner having various portions displaying different information. To establish a prima facie obviousness of a claim invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Because neither the Gorbatov reference, the Logan reference, nor the Alexander reference disclose or suggest the recited feature, there can be no prima facie obviousness by seeking to combine these references. Thus, claim 10 is believed to be allowable. Accordingly, the rejection of claim 10, as amended herein, is respectfully traversed.

Claim Rejection – 35 U.S.C. § 103 – Gorbatov, Logan, Herrington, and Alexander

Claim 11 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov, Logan, Herrington et al. (US 6,865,746) (Herrington), and Alexander. This rejection is respectfully traversed in view of the claims as amended herein.

Claim 11 is believed to be allowable at least for the reasons discussed with respect to independent claim 1 (and as well as claim 10). Specifically, as discussed above, neither the Gorbatov reference, the Logan reference, nor the Alexander reference discloses producing a program banner that is customized to a currently displayed segment of a currently displayed video program, the program banner comprising a first portion, a second portion, and segment fields, the first portion for displaying at least one of descriptive information and timing information from the segment metadata for the currently displayed segment, the second portion for displaying at least one of descriptive information and timing information from the program metadata for the currently displayed video program, the segment fields representing individual segments of the currently displayed video program in accordance with the segment metadata, the second portion of the program banner being separate and distinct from the segment fields.

According to the Examiner, the Herrington reference is merely directed to presenting a user interface with segment characteristics, while the Alexander reference discloses updating viewer preferences with the characteristics. Neither reference, however, makes a reference to a program banner having various portions displaying different information. To establish a prima facie obviousness of a claim invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Because neither the Gorbatov reference, the Logan reference, the Alexander reference, nor the Herrington reference disclose or suggest the recited feature, there can be no prima facie obviousness by seeking to combine these references. Thus, claim 11 is believed to be allowable. Accordingly, the rejection of claim 11, as amended herein, is respectfully traversed.

Claim Rejection – 35 U.S.C. § 103 – Gorbatov, Logan, and Herrington

Claims 12-13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov, Logan, and Herrington. These rejections are respectfully traversed in view of the claims as amended herein.

Claims 12-13 are believed to be allowable at least for the reasons discussed with respect to independent claim 1. Specifically, as discussed above, neither the Gorbatov reference nor the Logan reference discloses producing a program banner that is customized to a currently displayed segment of a currently displayed video program, the program banner comprising a first portion, a second portion, and segment fields, the first portion for displaying at least one of descriptive information and timing information from the segment metadata for the currently displayed segment, the second portion for displaying at least one of descriptive information and timing information from the program metadata for the currently displayed video program, the segment fields representing individual segments of the currently displayed video program in accordance with the segment metadata, the second portion of the program banner being separate and distinct from the segment fields.

According to the Examiner, the Herrington reference is merely directed to presenting a user interface with segment characteristics. The Herrington reference, however, makes no reference to a program banner having various portions displaying different information. To establish a prima facie obviousness of a claim invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Because neither the Gorbatov reference, the Logan reference, nor the Herrington reference disclose or suggest the recited feature, there can be no prima facie obviousness by seeking to combine these references. Thus, claims 12-13 are believed to be allowable. Accordingly, the rejections of claims 12-13, as amended herein, are respectfully traversed.

Claim Rejection – 35 U.S.C. § 103 – Gorbatov, Logan, and Lemmons

Claims 14-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov, Logan, and Lemmons et al. (US 6,481,011) (Lemmons). These rejections are respectfully traversed in view of the claims as amended herein.

Claims 14-19 are believed to be allowable at least for the reasons discussed with respect to independent claim 1. Specifically, as discussed above, neither the Gorbatov reference nor the Logan reference discloses producing a program banner that is customized to a currently displayed segment of a currently displayed video program, the program banner comprising a first portion, a second portion, and segment fields, the first portion for displaying at least one of descriptive information and timing information from the segment metadata for the currently displayed segment, the second portion for displaying at least one of descriptive information and timing information from the program metadata for the currently displayed video program, the segment fields representing individual segments of the currently displayed video program in accordance with the segment metadata, the second portion of the program banner being separate and distinct from the segment fields.

According to the Examiner, the Lemmons reference is merely directed to interest level indicators; the Lemmons reference, however, makes no reference to a program banner having various portions displaying different information. To establish a prima facie obviousness of a claim invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Because neither the Gorbatov reference, the Logan reference, nor the Lemmons reference disclose or suggest the recited feature, there can be no prima facie obviousness by seeking to combine these references. Thus, claims 14-19 are believed to be allowable. Accordingly, the rejections of claims 14-19, as amended herein, are respectfully traversed.

New Claims:

New claims 26 and 27 are added to further protect additional features of the present invention.

Claim 26 generally recites, among other features, receiving a command to display an electronic program guide, wherein the program banner is integrated into the electronic program guide. This claim is supported by the original application, for example, at Figs. 8a-11b and accompanying text, which disclose, for example, an electronic program guide (80, 82, 84), a first portion or segment window (90), a second portion or program window (88), and segment fields (e.g., "Business Day" is broken into various segments). This claim is believed to be allowable at least for the reasons of its parent claims.

Claim 27 generally recites, among other features, wherein at least a portion of the first portion of the program banner and at least a portion of the segment fields are integrated together. This claim is supported by the original application, for example, in Figs. 14a and 14b and the accompanying text, which discloses segment fields (106) where each segment contains descriptive information (that may be displayed in a first portion or segment portion of the program banner) for the respective segment. This claim is believed to be allowable at least for the reasons of their parent claims.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to

Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Date

10/6/08

FOLEY & LARDNER LLP

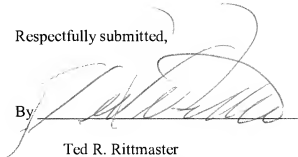
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Respectfully submitted,

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